IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Kanta Devi & ors. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No.1427/2005

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Smt. Sunita. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1395/2005

and

Tara Chand & ors. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1180/2005

...

Date of Order: July 13, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Ms. Praveen Kausar, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Ms. Rashida Bano, for the non-petitioner No.2.

BY THE COURT:

By these three criminal miscellaneous petitions, the petitioners seek quashing of the FIR No.411/2005 of Police Station, Nimbahera, district Chittorgarh for the offences under Section 498-A, 406, 323 and 342 IPC.

Complainant/non-petitioner No.2 Smt. Bharti is present in person, who has been identified by learned counsel Ms. Rashida Bano and the petitioners have been identified by their counsel Ms. Kausar Parveen. The parties have filed a compromise today before this Court.

On being asked, the complainant/non-petitioner No.2 categorically stated that the parties have arrived at a compromise and now she does not want to pursue the criminal proceedings against the petitioners.

The offences under Section 323 and 342 IPC are compoundable under Section 320 Cr.P.C; however, the offence under Sections 498-A and 406 IPC are not compoundable under Section 320 Cr.P.C. In In B.S. Joshi & ors. Vs. State of Haryana & Anr., (2003) 4 SCC 675, the Hon'ble Supreme Court has held that the High Court, in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 Cr.P.C. does not limit or affect the powers under Section 482 Cr.P.C.

Keeping in view the law laid down by the Hon'ble Supreme Court in B.S. Joshi & ors. Vs. State of Haryana & Anr. (supre), statement of the complainant/non-petitioner No.2 and the fact that the parties have arrived at the compromise and now they want peaceful living by settling the differences amicably and the fact that the complainant does not want to pursue the complaint against the petitioners as the parties have

compromised the matter, in my view, no useful purpose will be served to continue the investigation in the said FIR and, therefore, to secure the ends of justice, the FIR and the investigation ensued thereunder deserve to be quashed.

Consequently, the FIR No. 411/2005 of Police Station, Nimbahera, district Chittorgarh for the offences under Section 498-A, 406, 323 and 342 IPC lodged by the non-petitioner No.2 and the investigation in pursuance thereof against the petitioners in all the three criminal miscellaneous petitions is quashed. The stay petitions stand disposed of.

(H.R. PANWAR), J.

mcs